IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 392 of 2005

1 Smt. Brijesh Singhal
W/o Vidhi Chandra Singhal
R/o Awas Vikas Colony
Rudrapur
2 Vidhi Chandra Singhal
S/o Sri Padam Chandra Singhal
R/o Awas Vikas Colony
Rudrapur
District Udham Singh Nagar applicants

Versus

1 State of Uttaranchal.
2 Smt. Vinod Jayaswal
W/o Sri Ashok Jayaswal
R/o 270 Awas Vikas Colony
Rudrapur, District Udham Singh Nagar ..Opposite Party

Hon'ble B.C.Kandpal, J.

The petition has been filed under Section 482 Cr.P.C.,for quashing the proceedings in Criminal Case No. 7051 of 2003 State Vs Vidhi Chandra Singhal & another under Sections 468, 469, 471, 472, 500, 501, 502 of I.P.C.

Brief facts giving rise to this petition are that a complaint was filed by respondent No. 2 i.e. Smt. Vinod Jayaswal, against the petitioners and the learned Magistrate took the cognizance in the matter on 21.06.2004 by summoning the petitioners for facing the trail.

The revision was preferred against the aforesaid order and the learned revisional court in the Revision No. 111 of 2004, dismissed the revision on merits vide judgment and order dated 10.05.2005 after hearing the learned counsel for the parties and after perused the entire record.

Against the aforesaid impugned judgment and order, this petition under Section 482 Cr.P.C. has been preferred before this court.

I have heard Sri S.S. Yadav, learned counsel for the petitioner as well as Sri Nandan Arya, learned A.G.A. and perused the record.

I do not find any abuse of process of court. I also do not find any flagrant injustice is going to be caused to the petitioners.

The contention raised by the petitioners relate to the factual aspect of the matter which can be assessed, examined and dealt with by the trail court during the trial.

The petition lacks merits and is liable to be dismissed.

However, if the petitioners appear before the court below for seeking their bail, the court concerned shall dispose of the bail application expeditiously.

(B.C. Kandpal, J.)

05.10.2005
ASWAL